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**NATIONAL OCEANIC and
ATMOSPHERIC
ADMINISTRATION
Environmental Manual**

NOAA		Section 13
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Table of Contents

Synopsis 13-ii

Lead-Based Paint Checklist 13-iii

13 LEAD-BASED PAINT 13-1

13.1 Purpose and Scope 13-1

13.2 Definitions 13-1

13.3 Acronyms 13-1

13.4 Regulatory Requirements 13-2

13.5 Lead-Based Paint Control/Removal Program 13-2

13.6 Residue Disposal 13-4

13.7 Responsibilities 13-4

13.8 References 13-6

13 LEAD-BASED PAINT

Synopsis

This section is promulgated to ensure NOAA personnel and their families who use NOAA-provided residences containing lead-based paint (LBP) are knowledgeable of the risks presented. It is also provided to ensure NOAA personnel understand the requirements for removal of LBP from NOAA facilities.

The section applies to all NOAA facilities and work sites.

Initial Implementation Requirements:

- **Designate an Individual to Coordinate the Lead Based Paint Effort (13.5.1)**
- **Compare Site/Facility Operations with the Requirements of this Section**
 - If the facility was built prior to 1978, perform a facility survey to confirm the presence or absence of lead-based paint (13.5.2).
 - If lead-based paint is present in NOAA-provided housing, ensure NOAA employees and their families are provided with the lead-based paint disclosure forms and the pamphlet “Protect Your Family From Lead in Your Home” (13.5.3).
- **If Removal is Attempted:**
 - ensure contractors hired to remove lead-based paint have taken the required EPA Lead-Based Paint Removal Course (13.5.4).
 - ensure lead-based paint residue is disposed in accord with EPA/State regulations (13.6).

Recurring and Annual Task Requirements:

- **Ensure All New NOAA Employees and Their Families are Provided with the Lead-Based Paint Disclosure forms and the Pamphlet “Protect Your Family From Lead in Your Home” (13.5.3).**

Checklist

13 Lead-Based Paint	YES	NO	N/A
1. Was the facility or work site built prior to 1978? (13.5.1)	_____	_____	_____
2. If it was built prior to 1978, has a lead-based paint survey been performed? (13.5.2)	_____	_____	_____
3. If yes, has a Lead-Based Paint Coordinator been appointed?	_____	_____	_____
4. If NOAA provided housing, have the affected employees been notified of the presence of lead-based paint and provided the pamphlet "Protect Your Family From Lead in Your Home? (13.5.3)	_____	_____	_____
5. If removal of the lead-based paint is planned, are procedures in place to ensure:			
a. Contractor personnel have taken the required EPA Lead-Based Paint Removal Course? (13.5.4)	_____	_____	_____
b. The residues are disposed in accord with EPA/State regulations? (13.6)	_____	_____	_____

13 LEAD-BASED PAINT

13.1 Purpose and Scope

Until 1978, paint formulators relied on lead oxide for the base pigment (coloring) used in paint. The purpose for this section is to ensure the NOAA employees and their families who may be exposed to these coatings are protected. The section applies to all NOAA facilities, work sites and employee housing where lead-based paint was applied.

13.2 Definitions

Designated Person - a NOAA employee assigned the task of coordinating the lead-based paint effort. This role need not be assigned to the Facility Environmental Coordinator. It may be assigned to another NOAA employee.

Designated Responsible Official (DRO) - the senior NOAA official on-site. This official has authority over operations or activities which are subject to environmental and worker safety statutes. The responsibility of the DROs is inherent in their position and need not be formally designated or ascribed.

Facility Environmental Coordinator (FEC) -the individual responsible for ensuring the activities carried out at a facility are conducted in accordance with Federal, state and local environmental regulations. Typically, each NOAA facility will have a designated FEC who is also responsible for compliance with occupational safety and health requirements. In the NOAA, this individual is identified as the Environmental and/or Safety Focal Point.

Lead-Based Paint - paint containing lead oxide as the base pigment.

13.3 Acronyms Employed in This Section

CPSC	-	Consumer Product Safety Commission
DRO	-	Designated Responsible Official
EPA	-	Environmental Protection Agency
FEC	-	Facility Environmental Coordinator
HUD	-	Department of Housing and Urban Development
LBP	-	Lead-Based Paint
NLIC	-	National Lead Information Clearinghouse
NOAA	-	National Oceanic & Atmospheric Administration
NWS	-	National Weather Service
NWSH	-	National Weather Service Headquarters
RECO	-	Regional Environmental Compliance Officer
XRF	-	X-ray Spectrophotometer

13.4 Regulatory Requirements

13.4.1 Federal Programs

The Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, required the Department of Housing and Urban Development (HUD) and the Environmental Protection Agency (EPA) to require the disclosure of known information on lead-based paint and its hazards before the sale or lease of most housing built before 1978. For those operations that have decided to remove these coatings, the EPA has also promulgated rules governing the removal and disposal of this paint and the items it coats.

13.4.2 State Programs

The EPA has authorized several States to run their own lead-based paint programs based on the EPA-provided program. As a result, NOAA facilities that have housing built prior to 1978 must contact the NOAA RECO to determine if a State lead-based paint program is in effect.

13.4.3 National Weather Service

While the National Oceanic and Atmospheric Administration (NOAA) does not sell or lease housing in the legal sense, it has decided to voluntarily comply with these requirements to ensure NOAA personnel and their families understand the risk presented by this material.

13.5 Lead-Based Paint Control/Removal Program

13.5.1 Appoint a Coordinator

If a NOAA facility or work site has buildings built prior to 1978, the Designated Responsible Official will appoint a Lead-Based Paint Coordinator to investigate the presence of lead-based paint and if found, initiate and maintain a control program.

13.5.2 Facility Survey

For NOAA housing structures built prior to 1978, a survey must be performed to determine the presence and location of lead-based paint used within the structure(s). The individuals and firms performing this work must be certified by the EPA. To arrange for this testing, contact the NOAA Regional Environmental Compliance Officer (RECO) or the NOAA Regional Safety Manager (RSM).

The testing can be done in two different ways. Either samples of paint (chips) can be removed and sent to a laboratory for analysis or an instrument called an X-ray Spectrophotometer (XRF) can be brought to the site to provide almost instantaneous on-the-spot measurements. The XRF is a faster method however, because the instrument uses a low-level radioactive source, State laws governing the use and licensing of such sources must be investigated prior to use on a NOAA site. If required by the State, ensure the contractor has the required license.

13.5.3 Lead-Based Paint Information Program

For all housing facilities found to contain lead-based paint, the NOAA Lead-Based Paint Program Manager must provide the tenants with information detailing the known lead-based paint hazards and a pamphlet developed by the EPA, HUD and the Consumer Product Safety Commission (CPSC) titled, “Protect Your Family from Lead in Your Home” must be provided to all NOAA personnel using this housing.

Note: The sample disclosure forms and the pamphlet, “Protect Your Family from Lead in Your Home” can be obtained by calling the National Lead Information Clearinghouse (NLIC) at (800) 424-LEAD (800-424-5323). A request may also be made by FAX to (202) 659-1192 or by e-mail to ehc@cais.com.

13.5.4 Lead-Based Paint Removal

Effective August 29, 1998, the EPA required anyone who removes lead-based paint to partake in an EPA-approved lead-based paint program. The original implementation date in 1996 was delayed to allow States and Indian Tribes to apply and receive authorization to run their own programs. As a result, depending on the location of the facility where the lead-based paint is to be removed, the personnel involved in the removal process will be required to have attended an EPA or a State-certified lead-based paint removal course.

40 CFR 747.227 details the standards required for conducting lead-based paint activities including the inspection, removal, testing and other allowed activities.

On January 22, 2001, the EPA proposed to change the regulations to require that the EPA Regional Office be notified 10-days prior to the initiation of any lead-based paint remediation. This proposal has not been finalized yet, but check with the NOAA RECO.

13.6 Residue Disposal

The residue from the removal of lead-based paint meets the lead toxicity characteristic (D008) and thus should be managed as a hazardous waste.

Because the EPA has found this to be an impediment for homeowners and other building owners, the EPA has tried to devise ways around this problem.

If the lead-based paint residue is removed from a residence - even NOAA-owned residences - the EPA allows the residue to be disposed as a solid waste (garbage) under the household hazardous waste exemption in 40 CFR 261.4(b)(1). However, State regulations should be checked.

If the residue is removed from a building that does not meet the definition of a household, this exemption does not apply and this residue must be managed as a hazardous waste.

13.7 Responsibilities

13.7.1 NOAA Headquarters

- a. The NOAA Environmental/Safety Office shall perform an annual assessment of the NOAA headquarters facilities to ensure that the facilities are in compliance with this section.
- b. The NOAA Environmental/Safety Office shall periodically perform an assessment of the regional headquarters and field offices to ensure compliance with this section. The frequency of these regional and field office assessments shall be determined by the NOAA Environmental/Safety Office.
- c. Requests for clarification concerning this section shall be directed to the NOAA Environmental/Safety Office.

13.7.2 Regional or Operating Unit Environmental/Safety Coordinator

- a. Shall monitor and coordinate to promote compliance with the requirements of this procedure for the regional headquarters and field offices or operating units.
- b. Shall ensure that procedures are developed at regional headquarters or operating unit facilities.
- c. Shall perform an annual assessment of the regional headquarters facilities or operating unit to monitor and promote compliance with the requirements of this section.

- d. Shall perform assessments or designate personnel to perform assessments of all field offices to monitor and promote compliance with the requirements of the section.

13.7.3 Designated Responsible Official

- a. Shall have oversight over the implementation of this section and ensure that the requirements of this section are followed by individuals at the NOAA facility.
- b. Shall ensure sufficient personnel and funding are available to enable compliance with all applicable requirements of this section.
- c. Shall ensure that resident lead-based paint notifications are provided to residents of NOAA housing units contaminated with lead-based paint.
- d. Shall ensure NOAA employees follow the requirements of this section.
- e. Shall review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review shall be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.

13.7.4 Facility Environmental Coordinator or Environmental and/or Safety Focal Point or Designated Person

- a. Shall ensure any tasks delegated to them by the Designated Responsible Official are implemented in accordance with the requirements of this section.
- b. Shall ensure copies of the lead-based paint disclosure forms and the pamphlet “Protect Your Family from Lead in Your Home” are available and provided to new residents of NOAA housing known to be contaminated with lead-based paint or built prior to 1978.

13.7.5 Employees

- a. Individual employees affected by this section are required to read, understand and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Safety Focal Point.

13.8 References

Incorporated References

The following list of references is incorporated as a whole or in part into this section. These references can provide additional explanation or guidance for the implementation of this section.

13.8.1 U.S. Environmental Protection Agency

40 CFR 261 Identification and Listing of Hazardous Waste

40 CFR 261.4 Exclusions

(b) Solid waste which are not hazardous wastes

(1) Household waste

13.8.2 “EPA Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households”, August 2000),
<http://www.epa.gov/lead/fslbp.htm>